

# Editorial Notice

With the kind permission of the *Hong Kong Law Journal* we reproduce the notice recently published in that journal to commemorate the life and achievements of Professor Philip Smart, whose contributions to scholarship and learning in the field of insolvency law will be well known to readers of *International Insolvency Review*. As a mark of the high regard in which Philip was held within the global academic community, the proceedings at the 2008 conference of the INSOL International Academics Group, which took place in Shanghai on 13–14 September, were dedicated in his memory.

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## In Memoriam: Philip St. John Smart, 1961–2008

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We write with sadness to announce the tragic, premature death of our friend and colleague—Professor Philip St. John Smart—on 17th June 2008.

Philip graduated with first class honours from the University of London's School of Oriental and African Studies (SOAS) in 1982, and followed this with an LLM in 1983. He was a Hardwicke Scholar of Lincoln's Inn and was called to the Bar of England and Wales in 1984. Following his call, he served as a researcher at the British Institute of International and Comparative Law and lectured at SOAS until moving to Hong Kong.

Philip was one of the longest-serving teachers in the Faculty of Law. He joined the University of Hong Kong in September 1985 and was admitted to the Hong Kong Bar in September 1986. He was then in his early 20s and from day one he seemed mature

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<sup>†</sup>Professor in Corporate Law.

<sup>‡</sup>Professor.

beyond his years. His ability to solve problems, however complex, was unerringly good. He was offered substantive terms in 1987, but in 1989 nearly left HKU for the Bar in London. Fortunately for us, he decided at the last minute to remain and in 1990 he was promoted to Senior Lecturer. In January 2006, he was promoted to Professor and soon after was named the inaugural Harold Hsiao-Wo Lee Professor in Corporate Law.

Philip was a great teacher and a dedicated graduate student supervisor. Many generations of lawyers and law students have benefited from his incisive analysis of law and his stimulating style of teaching. By nature, Philip was inquisitive and refused to accept discussions at face value. He was a first-class researcher and often delved into old legal materials and unearthed sources that led to a rethinking of established doctrines. His first article, published in the *Law Quarterly Review* in 1983, addressed conflict of laws—a research area to which, in addition to company law and insolvency law, he remained dedicated throughout his career. He rapidly established himself as one of the world's leading authorities on cross-border insolvency. His book *Cross-Border Insolvency* was groundbreaking and used throughout the common law world. At the time of his death, he was working on its 3rd edition. Philip's research was erudite, always on point, provocative and interesting. His research, including many articles published in leading commonwealth and American journals, was cited by some of the highest courts in the common law world. Philip was recognized internationally for his substantial contributions to scholarship and was a Member, by invitation, of the International Insolvency Institute.

Philip was dedicated to improving Hong Kong corporate law and insolvency law and made frequent law reform submissions to the Hong Kong government. He authored and co-authored many articles appearing in Hong Kong, the United Kingdom, and the United States on reforming Hong Kong corporate rescue procedures. He had an eagle eye for detail and frequently spotted an inconsistency or omission in a new piece of Hong Kong legislation and contacted the government with suggested corrections.

Philip was deeply involved in the education and training of Hong Kong insolvency professionals and was a regular speaker at insolvency group seminars. He was instrumental in developing the Diploma in Insolvency, launched in 2000 by the Hong Kong Society of Accountants (now the Hong Kong Institute of Certified Professional Accountants), and he served as a co-director for the course. He was a co-editor of the *Hong Kong Corporate Insolvency Manual* and a co-author of the *Hong Kong Personal Insolvency Manual*, which are used in the Diploma in Insolvency course and have been assigned in insolvency courses at the University of Hong Kong. A second edition of the *Hong Kong Corporate Insolvency Manual* was underway at the time of Philip's death.

Philip's colleagues and co-authors would agree that one could not find a more generous academic. He was a stimulating colleague always ready to share his wisdom and knowledge. On occasion he would appear in a colleague's office with an old Australian or English case from the 1800s and say, 'Our discussion over coffee in the Senior Common Room earlier today got me thinking. I found this case, which I think supports your point; please feel free to use it'

The editors and readers of this journal also benefited from Philip's erudition. Philip was a regular contributor of articles to the *Hong Kong Law Journal*. But just as importantly, he was virtually on call as a peer reviewer, rarely if ever turning down a request to review a submission to the journal, even when he was busy with his own engagements, and always providing a punctual and incisive review.

On a personal level, Philip was a passionate supporter of the Arsenal Football Club, a low single-figure handicap golfer in his youth, a cat lover, a bon vivant who preferred Burgundy and an eclectic reader of biographies, history, science fiction and whatever else took his fancy. Yet his professional love was that of law.

Philip was honest, both personally and intellectually. He spoke and wrote without fear or favour. Philip had that rare ability to distill principles from the most complex problems, handle them with great technical expertise, and come up with practical and often straightforward solutions (which only appeared so after he had pointed them out).

Philip's premature departure is a great loss to the Faculty, to the University and to the Hong Kong and international legal communities, and we know the loss will be felt for a long time. As a colleague, as a friend, Philip will be remembered and missed by all of us, now and always.